



101st Airborne Division Claims Office



TORT CLAIM - FILING INSTRUCTIONS (ARMY REGULATION 27-20, CHAPTER 3)

This is a general guide - do not hesitate to discuss any questions you may have with the Claims Office personnel. We can be contacted at 798-5011/6428. If you wish to submit a claim, please walk in during our normal duty hours (Mon-Wed & Fri 0900-1600 and Thur 1300-1600).

Who may present a claim?

A proper party claimant is any U.S. military personnel (except for incident to service injury or death), U.S. Army civilian employees (except for injury or death), dependent family members of military personnel, retirees, American tourists.

NOTE: Members and employees of sister services are proper party claimants under the single service responsibility (DoD Dir. 55158)

Where to present a claim?

Your claim must be presented to an agency or instrumentality of the Department of the Army. The claim may be presented to the Commanding Officer of the unit involved, the Legal Office of the nearest Army post, camp, or station, or other military establishment convenient to you. In a foreign country where no appropriate Commander is stationed, the claim may be submitted to any Attaché of the U.S. Armed Forces. Normally, however, your claim should be submitted to your Command or local Claims Office.

Statute of Limitations

A claim may be settled under this chapter only if presented in writing within two (2) years after the incident occurred. Ask your Claims Office if you are not certain how much time you have to file your claim.

NOTE: This **TWO-YEAR** requirement is established by law - **IT CANNOT BE WAIVED!**

Documents Required For Presentation Of Your Claim

___ **SF 95:** Claim for damage, injury or death, signed and dated in triplicate. The amount claimed must be a specifically stated amount in U.S. dollars (“lost wages and future medical expenses” is not a specific amount and does not satisfy this requirement). To ensure that your claim is properly filed Numbers 12a, 12b, 12c, and 12 d, 13a, 15, 16, 17, 18, and 19 of the attached Standard Form 95 must be must be completed. If your claim does not involve injury or death (no 12b and 12c) write “None” in those columns. A claim will be considered filed only when the information in Numbers 12d (Total amount claimed) and 13a (signature of claimant or duly authorized agent) is provided and properly signed.

___ **Witness Statements:** If applicable.

Additional Documentation For Motor Vehicle Accidents

___ **Military Police Report and/or Civilian Police Report**

___ **Copy of the POV Registration**

___ **Estimate of Repair:** Two estimates are recommended. You may be required to pay an estimate fee. This fee is reimbursable under most circumstances and may be included in your claim.

___ **Inspection of vehicle:** If operable, present your vehicle for inspection of the damage. If not, indicate where the vehicle can be inspected.

ADDITIONAL DOCUMENTATION FOR PERSONAL INJURY OR WRONGFUL DEATH

___ **Copy of all medical records or medical information release:**
Pre-printed forms may be obtained from the Claims Office.

___ **Loss of Earnings Statement from Employer**

___ **Any investigative report(s)**

___ **Any other substantiating information**